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10/058,721	01/28/2002	Thomas W. Rehkopf	BELL-0159/00064	7919
38952	7590	04/11/2005	EXAMINER	
WOODCOCK WASHBURN LLP ONE LIBERTY PLACE - 46TH FLOOR PHILADELPHIA, PA 19103			PHAN, HUY Q	
		ART UNIT		PAPER NUMBER
		2687		

DATE MAILED: 04/11/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	10/058,721	REHKOPF, THOMAS W.
	<b>Examiner</b>	<b>Art Unit</b>
	Huy Q Phan	2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) Responsive to communication(s) filed on 12 November 2004.
- 2a) This action is **FINAL**.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) Claim(s) 1-4,7-10,13-15,19-27,29-35,38,39 and 41-54 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-4,7-10,13-15,19-27,29-35,38,39 and 41-54 is/are rejected.
- 7) Claim(s) \_\_\_\_\_ is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
    - a) All    b) Some \* c) None of:
      1. Certified copies of the priority documents have been received.
      2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
      3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: \_\_\_\_\_.

**DETAILED ACTION**

***Response to Amendment***

1. This Office Action is in response to Amendment filed on date: 11/12/2004.

Claims 1-4, 7-10, 13-15, 19-27, 29-35, 38, 39 and 41-54 are still pending.

***Response to Arguments***

2. Applicant's arguments with respect to claims 1-4, 7-10, 13-15, 19-27, 29-35, 38, 39 and 41-54 have been considered but are moot in view of the new ground(s) of rejection.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 3, 4, 7, 9, 10, 13-15, 19-27, 29-31, 33-35, 38, 39 and 41-54 are rejected under 35 U.S.C. 102(e) as being anticipated by Flom et al. (US-2001/0054087).

Regarding claim 1, Flom et al. disclose in figure 9, an apparatus (94) for accessing a computer application [0056] via a wireless communication network (96), the apparatus comprising:

a global positioning device that receives signals from a global positioning system (91); and

a two-way wireless communication device in communication with the global positioning device [0034];

a processor ([0034], [0056] and [0059]) in communication with the global positioning device and in communication with the two-way wireless communication device (94);

a user interface (94) in communication with the processor [0035];

wherein the processor determines the location of the global positioning device [0059], receives an indication service request from the user interface [0034], formats the service request indication into an email message for communication over a wireless network [0034], appends the location of the global positioning device to the email ([0034] and [0059]), and causes the email message to be sent over the wireless network via the two-way wireless communication device ([0034], [0056] and [0059]).

Regarding claim 3, Flom et al. disclose the apparatus as recited in claim 1, wherein the two-way wireless communication device comprises a radio modem [0056].

Regarding claim 4, Flom et al. disclose the apparatus as recited in claim 1, wherein the two-way wireless communication device comprises a cellular telephone [0056].

Regarding claim 7, Flom et al. disclose in figure 9, a method for requesting location dependent information ([0056]-[0063]), comprising:

- receiving signals from a global positioning system [0059];
- calculating a location based upon the received signals [0059];
- receiving an indication of a service request from a user interface [0058];
- formatting the service request indication as an e-mail message for communication over a wireless network [0034];
- appending the location to the email message ([0034] and [0059]); and
- sending the formatted service request message over the wireless network.

Regarding claim 9, Flom et al. disclose the method as recited in claim 7, wherein calculating a location comprises calculating a latitude and longitude [0034].

Regarding claim 10, Flom et al. disclose the method as recited in claim 7, wherein receiving an indication of a service request comprises: displaying a menu containing a plurality of service request indications [0037]; and receiving a selection of one of the plurality of service request indications ([0037], [0055] and [0065]).

Regarding claim 13, Flom et al. disclose the method as recited in claim 7, further comprising receiving a reply message from the wireless network, the reply message containing location dependent information [0059].

Regarding claim 14, Flom et al. disclose the method as recited in claim 13, further comprising: parsing the location dependent information from the message [0034]; and displaying the location dependent information in a graphical form [0035].

Regarding claim 15, Flom et al. disclose in figure 9, a method for providing server access to a wireless communication device (94) that communicates over a wireless network (96) ([0031]-[0045]), comprising:

receiving an email message from a wireless network, the email message containing a service request indication and a location indication, the location indication indicating the location of the wireless communication device ([0034] and [0059]);

parsing the service request indication and the location indication from the e-mail message ([0034] and [0059]);

determining a service request based upon the service request indication ([0058] and [0031]-[0045]);

determining a server (92) capable of servicing the service request ([0031]-[0045]);

requesting the service from the server ([0031]-[0045]);

receiving a reply from the server in response to requesting the service, the reply being based on the service request and the location indication ([0031]-[0045]);

formatting the reply as a second email message for communication over the wireless network ([0033]-[0035] and [0059]); and

sending the formatted second email reply message to the wireless communication device [0034].

Regarding claim 19, Flom et al. disclose the method as recited in claim 15, further comprising determining a location based upon the parsed location indication ([0034] and [0059]).

Regarding claim 20, Flom et al. disclose the method as recited in claim 19, wherein requesting the service from the server further comprises sending the location to the server ([0034] and [0059]).

Regarding claim 21, Flom et al. disclose the method as recited in claim 15, wherein requesting the service from the server comprises requesting the service from a middleware component (92A and [0032]).

Regarding claim 22, Flom et al. disclose the method as recited in claim 15, wherein determining a server capable of servicing the service request comprises mapping from the service request to a server capable of servicing the service request ([0031]-[0038]).

Regarding claim 23, Flom et al. disclose in figure 9, a method for sending

location dependent information to a wireless communication apparatus (94) that communicates over a wireless network (96), comprising:

- receiving the location of the wireless communication apparatus via an email message ([0034] and [0059]);
- determining information based on the received location ([0034] and [0059]);
- formatting the information as a second email message for communication over the wireless network [0034]; and
- sending the formatted second email message to the wireless communication apparatus via the wireless network [0034].

Regarding claim 24, Flom et al. disclose the method as recited in claim 23, wherein formatting the information as a second email message comprises formatting the information as an e-mail message for communication over the wireless network [0034].

Regarding claim 25, Flom et al. disclose the method as recited in claim 23, further comprising requesting the location of the wireless communication apparatus at intervals [0059].

Regarding claim 26, Flom et al. disclose in figure 9, a method for providing location dependent information to a wireless communication device (94) that communicates over a wireless network (96), comprising:

receiving an e-mail message from the wireless communication device [0034], the e-mail message containing an indication of a service request and an indication of the location of the wireless communication device ([0058]-[0059]);

generating a reply based on the service request indication and the location indication ([0033]-[0035] and [0059]);

formatting the reply as a e-mail second message for communication over the wireless network [0034]; and

sending the second e-mail message to the wireless communication device [0034].

Regarding claim 27, Flom et al. disclose in figure 9, a system for accessing a computer application from a wireless communication apparatus ((94) and [0056]) via a wireless communication network [0034], the system comprising:

a plurality of wireless communications ports that receive e-mail message from the wireless communication network and convert the signals to a message containing an indication of a service request for the computer application and an indication of the location of the wireless communication apparatus ([0034] and [0059]); and

an integration application in communication with the plurality of wireless communication ports (fig. 9), the integration application determines a server capable of servicing the indicated service request ([0031]-[0038]), requests the service from the server ([0031]-[0038]), receives a reply from the server ([0031]-[0038] and [0059]), formats the reply as a second email message for communication over the wireless

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network [0034], and sends the formatted second email message to the wireless communication apparatus [0034].

Regarding claim 29, Flom et al. disclose the system as recited in claim 27, wherein the integration application further requests location dependent information from the server and the received reply contains location dependent information ([0031]-[0038] and [0059]).

Regarding claim 30, Flom et al. disclose the method of providing services to wireless communication apparatus users comprising:

receiving an e-mail message that contains a request for a service and the location of the wireless communication apparatus ([0034] and [0059]);  
providing the service requested ([0034] and [0059]); and  
charging a fee for the service provided (“authentication” see [0034; or “receipt” see [0065]).

Regarding claim 31, Flom et al. disclose the method as recited in claim 30, further comprising:

determining a sending pager of the e-mail message [0034];  
performing an authentication check of the sending pager [0034]; and  
forwarding the e-mail message and the results of the authorization check to the server [0034].

Regarding claim 33, Flom et al. disclose the method as recited in claim 30, wherein providing the service requested comprises determining a server ((92) and [0031]-[0038]) capable of servicing the service request.

Regarding claim 34, Flom et al. disclose in figure 9, a computer-readable medium having instructions stored thereon for requesting location dependent information, the instructions, when executed on a processor ((94) and [0056]), causing the processor to perform the following:

receiving signals from a global positioning system [0059];  
calculating a location based upon the received signals [0059];  
receiving an indication of a service request from a user interface [0058];  
formatting the service request indication as a message for communication over a wireless network based ([0034] and [0059]);  
appending the calculated location to the e-mail message ([0034] and [0059]); and  
sending the formatted service request email message over the wireless network ([0034] and [0059]).

Regarding claim 35, Flom et al. disclose the computer-readable medium as recited in claim 34, wherein calculating a location comprises calculating a latitude and longitude [0034].

Regarding claim 37, Flom et al. disclose the computer-readable medium as recited in claim 34, wherein calculating a location comprises calculating a latitude and longitude ([0034] and [0059]).

Regarding claim 38, Flom et al. disclose the computer-readable medium as recited in claim 34, wherein the instructions further cause the processor to perform receiving a reply message from the wireless network, the reply message containing location dependent information ([0034] and [0059]).

Regarding claim 39, Flom et al. disclose in figure 9, a computer-readable medium having instructions stored thereon for providing server access to a wireless communication device ((94) and [0056]) that communicates over a wireless network (96), the instructions when executed on a processor [0056], causing the processor to perform the following:

receiving an email message from a wireless network [0034], the email message containing a service request indication [0058], the location indication indicating the location of the wireless communication apparatus [0059];

parsing the service request indication and the location indication from the email message ([0034] and [0059]);

determining a service request based upon the service request indication ([0058]-[0059]);

determining a server (92) capable of servicing the service request ([0031]-[0038]);  
requesting the service from the server ([0031]-[0038]);  
receiving a reply from the server in response to requesting the service ([0031]-[0038]), the reply being based on the service request and the location indication ([0031]-[0038] and [0059]);  
formatting the reply as a second email message for communication over the wireless network ([0034] and [0059]); and  
sending the formatted second email reply message to the wireless communication device [0034].

Regarding claim 41, Flom et al. disclose the computer-readable medium as recited in claim 39, wherein the received message further contains a location indication and the instructions [0059] further cause the processor to perform: parsing the location indication from the message [0066]; and determining a location based upon the parsed location indication ([0034] and [0059]).

Regarding claim 42, Flom et al. disclose the computer-readable medium as recited in claim 41, wherein requesting the service from the server further comprises sending the location to the server ([0031]-[0038] and [0059]).

Regarding claim 43, Flom et al. disclose in figure 9, a computer-readable

medium having instructions stored thereon for sending location dependent information to a wireless communication apparatus ((92) and [0031]-[0038]) that communicates over a wireless network (96), the instructions when executed on a processor [0056], causing the processor to perform the following:

- receiving the location of the wireless communication apparatus via an email message ([0034] and [0059]);
- determining information based on the received location ([0034] and [0059]);
- formatting the information as a second email message for communication over the wireless network [0034]; and
- sending the formatted second email message to the wireless communication apparatus via the wireless network ([0034] and [0059]).

Regarding claim 44, Flom et al. disclose the computer-readable medium as recited in claim 43, wherein formatting the information as a message comprises formatting the information as an e-mail message for communication over the wireless network [0034].

Regarding claim 45, Flom et al. disclose in figure 9, a computer-readable medium having instructions stored thereon for providing location dependent information to a wireless communication device ((94) and [0056]) that communicates over a wireless network (96), the instructions when executed on a processor [0056] causing the processor to perform:

receiving a message from the wireless communication device ([0031]-[0035]), the message containing an indication of a service request [0058] and an indication of the location of the wireless communication device [0059];

generating a reply based on the service request indication and the location indication ([0031]-[0038]);

formatting the reply as a second message for communication over the wireless network [0034]; and

sending the second message to the wireless communication device ([0034] and [0059]).

Regarding claim 46, Flom et al. disclose the apparatus as recited in claim 1, wherein the service request indication is in a natural language representation ([0034] and [0041]).

Regarding claim 47, Flom et al. disclose the apparatus as recited in claim 1, wherein the processor inserts a delimiter between the service request indication and the location of the global positioning device.

Regarding claim 48, Flom et al. disclose the apparatus as recited in claim 1, wherein the e-mail message includes a keyword that is mapped to a particular service [0058].

Regarding claim 49, Flom et al. disclose the apparatus as recited in claim 1, wherein the e-mail message includes a number that is mapped to a particular service ("menu" may prefer as a number; see [0037]).

Regarding claim 50, Flom et al. disclose the apparatus as recited in claim 1, further comprising a memory that stores graphical map data and wherein the processor causes a graphical map to be displayed based on the graphical map data and the location indication [0057].

Regarding claim 51, Flom et al. disclose the apparatus as recited in claim 1, further comprising a memory that stores graphical map data and wherein the processor receives a second e-mail message including second location information in response to the sent e-mail message and causes a graphical map to be displayed based on the graphical map data and the second location indication ([0057]-[0059]).

Regarding claim 52, Flom et al. disclose the method as recited in claim 7, wherein the service request indication is in a natural language representation ([0034] and [0041]).

Regarding claim 53, Flom et al. disclose the method as recited in claim 7, wherein the e-mail message includes a keyword that is mapped to a particular service [0058].

Regarding claim 54, Flom et al. disclose the method as recited in claim 7, wherein the e-mail message includes a number that is mapped to a particular service ("menu" may prefer as a number; see [0037]).

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

5. Claims 2 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Flom et al. in view of Litzsinger et al. (US-6,347,281).

Regarding claim 2, Flom et al. disclose the apparatus as recited in claim 1. But, Flom et al. fail to expressly teach wherein the two-way wireless communication device comprises a Mobitex compatible device. However in analogous art, Litzsinger et al. teach wherein the two-way wireless communication device comprises a Mobitex compatible device (col. 4, lines 51-53). Since, Flom et al. and Litzsinger et al. are related to the global positioning device; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Flom et al. by Litzsinger et al. in order to turn the device into a powerful, highly configurable communication tool.

Regarding claim 8, Flom et al. disclose the method as recited in claim 7. But, Flom et al. fail to expressly teach wherein receiving signals from a global positioning system comprises receiving signals from at least three satellites. However, Litzsinger et al. teach wherein receiving signals from a global positioning system comprises receiving signals from preferably three satellites (col. 4, lines 36-46). Since, Flom et al. and Litzsinger et al. are related to the global positioning device; therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Flom et al. by Litzsinger et al. in order to increasing significantly the accuracy of the device location.

6. Claim 32 is rejected under 35 U.S.C. 103(a) as being unpatentable over Flom et al. in view of Hubber (US-2003/0050081)

Regarding claim 32, Flom et al. disclose the method as recited in claim 30. But, Flom et al. fail to expressly teach wherein performing an authentication check of the sending pager comprises: determining an electronic signature of the sending pager; receiving a password; and determining if the sending pager is authorized to access the requested service based on the electronic signature and the password. However in analogous art, Hubber teaches wherein performing an authentication check that determining an electronic signature and receiving a password; and determining the authorization to access the requested service based on the electronic signature and the password [0043]. Since, Flom et al. and Hubber are related to the method of communication between the mobile device and the server; therefore, it would have been

obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Flom et al. by Hubber in order to prevent advantageously the misuse.

***Conclusion***

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy Q Phan whose telephone number is 571-272-7924. The examiner can normally be reached on 8AM-6PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G Lester can be reached on 571-272-7922. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Huy Phan

*SonnyTrinh*  
SONNYTRINH  
PRIMARY EXAMINER

Examiner: Phan, Huy Q.

AU: 2687

Date: Apr. 05, 2005